

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

Joshua L. Gallishaw, #251362,)	C/A NO. 9:11-404-CMC-BM
)	
Plaintiff,)	
)	OPINION and ORDER
v.)	
)	
Officer DeLoach; Officer Williamson;)	
Sgt. Hicks; Sgt. Housier; Lt. Housier;)	
Capt. Best; Warden Cohen; Major NLN;)	
Sgt. Marquez; S.C.D.C. Director; and)	
other unknown John Does and Jane Does;)	
Individual and Official Capacity,)	
)	
Defendants.)	
_____)	

This matter is before the court on Plaintiff's *pro se* motion for reconsideration. ECF No. 74 (filed Mar. 22, 2012). Plaintiff contends that he "produced ample evidence showing that he exhausted all administrative remedies and that sufficient cause of action is significant to deny Defendants['] Summary Judgement!" Mot. at 1.

The Fourth Circuit Court of Appeals has interpreted Rule 59(e) of the Federal Rules of Civil Procedure to allow the court to alter or amend an earlier judgment: "(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice." *Becker v. Westinghouse Savannah River Co.*, 305 F.3d 284, 290 (4th Cir. 2002) (quoting *Pac. Ins. Co. v. Am. Nat'l Fire Ins. Co.*, 148 F.3d 396, 403 (4th Cir. 1998)). "Whatever may be the purpose of Rule 59(e) it should not be supposed that it is intended to give an unhappy litigant one additional chance to sway the judge." *Atkins v. Marathon LeTourneau Co.*, 130 F.R.D. 625 (S.D. Miss. 1990). Plaintiff does not seek to

reopen the judgment based upon the first two circumstances noted above. Therefore, it appears Plaintiff seeks to reopen the judgment to prevent an alleged manifest injustice.

Plaintiff presents unsupported argument that is intended to be “one additional chance to sway the judge.” *Id.* However, Plaintiff presents no evidence or argument which leads this court to reconsider its previous ruling.

Plaintiff’s motion for reconsideration is **denied**.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
April 2, 2012